



PATENT
Docket No. 546322000300

RECEIVED

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

In the application of:

Michael W. GRAHAM and Robert N.
RICE

Patent No.: 6,573,099

Issue Date: June 3, 2003

For: GENETIC CONSTRUCTS FOR
DELAYING OR REPRESSING THE
EXPRESSION OF A TARGET GENE

Examiner: S. D. Priebe

Group Art Unit: GRANTED

**POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE
UNDER 37 C.F.R. § 3.71**

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

BENITEC AUSTRALIA LIMITED and STATE OF QUEENSLAND
THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES, the assignee of the
entire right, title and interest in this patent application, hereby revokes all Powers of Attorney
previously granted relating to this application and appoint as its attorneys or agents, with full
power of substitution, association, and revocation, to prosecute this application and to
transact all business in the United States Patent and Trademark Office connected herewith:

Lisa A. Amii (Reg No. 48,199)
Mehran Arjomand (Reg No. 48,231)
Erwin J. Basinski (Reg No. 34,773)
Richard R. Batt (Reg No. 43,485)
Jonathan Bockman (Reg No. 45,640)
Barry E. Bretschneider (Reg No. 28,055)
Robert K. Cerpa (Reg No. 39,933)
Alex Chartove (Reg No. 31,942)
Cara M. Coburn (Reg No. 46,631)
Raj S. Davé (Reg No. 42,465)
David Devernore (Reg No. 50,128)
Stephen C. Durant (Reg No. 31,506)

Randolph Ted Apple (Reg No. 36,429)
Laurie A. Axford (Reg No. 35,053)
Shantanu Basu (Reg No. 43,318)
Vincent J. Belusko (Reg No. 30,820)
Kimberly A. Bolin (Reg No. 44,546)
Nicholas Buffinger (Reg No. 39,124)
Peng Chen (Reg No. 43,543)
Thomas E. Ciotti (Reg No. 21,013)
Matthew M. D'Amore (Reg No. 42,457)
Peter Davis (Reg No. 36,119)
Karen B. Dow (Reg No. 29,684)
Christopher B. Eide (Reg No. 48,375)

Carolyn A. Favorito (Reg No. 39,183)
Hector Gallegos (Reg No. 40,614)
Debra J. Glaister (Reg No. 33,888)
Carol M. Gruppi (Reg No. 37,341)
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Douglas G. Hodder (Reg No. 41,840)
Charles D. Holland (Reg No. 35,196)
Jill A. Jacobson (Reg No. 40,030)
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Glenn Kubota (Reg No. 44,197)
Otis Littlefield (Reg No. 48,751)
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Robert S. McArthur (Reg No. 45,674)
Scott C. Moore (Reg No. 52,047)
Kate H. Murashige (Reg No. 29,959)
Catherine M. Polizzi (Reg No. 40,130)
James Remenick (Reg No. 36,902)
Robert E. Scheid (Reg No. 42,126)
David Smith (Reg No. 39,839)
Shannon Thomas (Reg No. 52,285)
Brenda J. Wallach (Reg No. 45,193)
E. Thomas Wheelock (Reg No. 28,825)
Eric Witt (Reg No. 44,408)
Peter J. Yim (Reg No. 44,417)
Karen R. Zachow (Reg No. 46,332)

David L. Fehrman (Reg No. 28,600)
Deborah S. Gladstein (Reg No. 43,636)
Bruce D. Grant (Reg No. 47,608)
Alicia Hager (Reg No. 44,140)
Laurie Hill (Reg No. 51,804)
Alan S. Hodes (Reg No. 38,185)
Arthur S. Hsieh (Reg No. 48,247)
Wayne Jaeschke, Jr. (Reg No. 38,503)
Parisa Jorjani (Reg No. 46,813)
Richard C. Kim (Reg No. 40,046)
Lawrence B. Kong (Reg No. 49,043)
Kawai Lau (Reg No. 44,461)
Hugh H. Matsubayashi (Reg No. 43,779)
Mika Mayer (Reg No. 47,777)
Gladys H. Monroy (Reg No. 32,430)
Philip A. Morin (Reg No. 45,926)
Martin M. Noonon (Reg No. 44,264)
Philip Reilly (Reg No. 41,415)
Robert Saltzberg (Reg No. 36,910)
Debra A. Shetka (Reg No. 33,309)
Kevin R. Spivak (Reg No. 43,148)
Thomas L. Treffert (Reg No. 48,279)
Michael R. Ward (Reg No. 38,651)
Todd W. Wight (Reg No. 45,218)
David T. Yang (Reg No. 44,415)
George C. Yu (Reg No. 44,418)
Jie Zhou (Reg No. 52,395)

all of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, telephone: (415) 268-7000, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all communications relative to this application to:

Michael R. Ward
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482

Please direct all telephone communications to Michael R. Ward at (415) 268-6237.

BENITEC AUSTRALIA LIMITED
an Australian corporation

Dated: 9 July, 2003 [Signature]

Name: John A. McKinley
Title: Executive Chairman and CEO
Address: P.O. BOX 4193
St. Lucia South, QLD 4067 AUSTRALIA

STATE OF QUEENSLAND THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES

Dated: 25 June, 2003 W. H. Jones

Name: _____
Title: _____
Address: 80 Ann Street
Primary Industries Building
Brisbane, Queensland AUSTRALIA 4067

JUL 10 2003

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: **Michael W. GRAHAM and Robert Norman RICE**Application No./Patent No.: **6,573,099**Filed/Issue Date: **June 3, 2003**Entitled: **GENETIC CONSTRUCTS FOR FOR DELAYING OR REPRESSING THE EXPRESSION OF A TARGET GENE****BENITEC AUSTRALIA LTD., an Australian corporation and STATE OF QUEENSLAND THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES**

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignees of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents (as filed) in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

7/10/03
Date

MICHAEL R. WARD (Reg. No. 38,651)
Michael R. Ward
Signature

Title: **Attorney for Assignees**

Docket No: 546322000300



MORRISON & FOERSTER LLP

Attorneys at Law
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6237
Facsimile: (415) 268-7522

FAXED

**TO: DIRECTOR OF THE US PATENT AND TRADEMARK OFFICE
"ASSIGNMENT RECORDATION SERVICES"**

Facsimile: 703/306-5995

COPY

From: Michael R. Ward (Reg. No. 38,651)

Date: July 10, 2003

We are transmitting a total of **3 pages** (including this page).

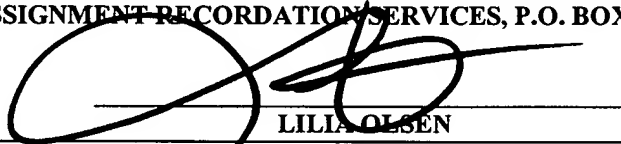
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Director of the United States Patent and Trademark Office, **ASSIGNMENT RECORDATION SERVICES**, P.O. BOX 1450, Alexandria, VA 22313-1450 on July 10, 2003.


LILIA OLSEN

FAXED

"RECORD ASSIGNMENT DOCUMENTS"

Atty Docket No: 546322000300

Re: Patent No. 6,573,099 issued June 3, 2003

Inventors: Michael W. GRAHAM and Robert N. RICE

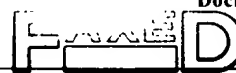
ATTACHED:

- 1) Recordation Form Cover Sheet - 1 pg
- 2) Assignment (executed document) - 1 pg
- 3) \$40 FEE AUTHORIZED TO BE CHARGED TO DEPOSIT ACCOUNT

Comments: Please record the enclosed Assignment documents.



U.S. DEPARTMENT OF COMMERCE

RECORDATION FORM COVER SHEET
PATENTS ONLYPatent and Trademark Office
Docket No. 546322000300

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Michael Wayne GRAHAM
Robert Norman RICE

2. Name and address of receiving party(ies):

Name: BENITEC AUSTRALIA LIMITED
Internal Address: P.O. BOX 4193
St. Lucia South, QLD 4067 AUSTRALIAAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

and

3. Nature of conveyance:

- ☒
- Assignment
- ☐
- Merger
-
- ☐
- Security Agreement
- ☐
- Change of Name
-
- ☐
- Other:

Name: STATE OF QUEENSLAND THROUGH ITS
DEPARTMENT OF PRIMARY INDUSTRIES
Internal Address: Primary Industries Bldg., 80 Ann Street,
Brisbane, Queensland 4000 AUSTRALIA

Execution Date: June 30, 2003 and June 17, 2003, respectively

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:*

A. Patent Application No.(s)

B. Patent No.(s)

6,573,099 issued June 3, 2003

Additional numbers attached? *☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Michael R. Ward
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

☐ Enclosed☒ Authorized to be charged to deposit account,
referencing Attorney Docket 546322000300

8. Deposit account number: 03-1952

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Name: Michael R. Ward
Registration No: (38,651)

Signature

Date

7/09/03

Total number of pages comprising cover sheet, attachments and document: 2

Mail documents to be recorded with required cover sheet information to:

MAIL STOP: Assignment Recordation Services
Director of the US Patent and Trademark Office
P.O. BOX 1450
Alexandria, VA 22313-1450

**ASSIGNMENT
JOINT**

THIS ASSIGNMENT, by **MICHAEL WAYNE GRAHAM** and **ROBERT NORMAN RICE** (hereinafter referred to as the assignors), residing at 12 Lant Street, Chapel Hill, Queensland, Australia 4069, and 39 Foley Place, Sinnamon Park, Queensland, Australia 4106, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in **GENETIC CONSTRUCTS FOR DELAYING OR REPRESSING THE EXPRESSION OF A TARGET GENE**, set forth Letters Patent of the United States, bearing Patent No. 6,573,099, and issued on June 3, 2003; and

WHEREAS, **BENITEC AUSTRALIA LIMITED**, a corporation duly organized under and pursuant to the laws of Australia and having its principal place of business at P.O. Box 4193, St. Lucia South, QLD 4067 Australia, and the **STATE OF QUEENSLAND THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES**, and having its principle place of business at **Primary Industries Bldg., 80 Ann Street, Brisbane Queensland 4000 Australia** (hereinafter referred to as the Assignees) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said Assignees, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said Assignees, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said Assignees its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said Assignees, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said Assignees, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said Assignees, its successors, legal representatives and assigns, but at the cost and expense of said Assignees, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said Assignees as the Assignees of said inventions and the Letters Patent to be issued thereon for the sole use of said Assignees, its successors, legal representatives and assigns.

30/6/03
Date



Michael Wayne GRAHAM

17/6/03
Date



Robert Norman RICE

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OFFICE OF PETITIONS

PATENT

Docket No. 546322000300

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, MAIL STOP: PETITIONS, P.O. BOX 1450, Alexandria, VA 22313-1450.

CHRISTINE JUMOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne Graham and Robert
Norman Rice

U.S. Patent No: 6,573,099

Filing Date: June 19, 1998

Issue Date: June 3, 2003

For: GENETIC CONSTRUCTS FOR
DELAYING OR REPRESSING THE
EXPRESSION OF A TARGET GENE

Primary Examiner: S. Priebe

ALLOWED

**PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.324(b)(3) -
CONSENT OF ASSIGNEE**

MAIL STOP: PETITIONS

Commissioner for Patents

P.O. BOX 1450

Alexandria, VA 22313-1450

Dear Sir:

BENITEC AUSTRALIA LIMITED and the STATE OF QUEENSLAND

THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES, the assignees of the entire right, title and interest in this patent application, hereby agree to the addition of ROBERT NORMAN RICE as an inventor in the above named application. These inventorship errors were made without deceptive intent. Under the present circumstances it is clear that MICHAEL

WAYNE GRAHAM and ROBERT NORMAN RICE are the true inventors in present application.

I, JOHN A. MCKINLEY, have authority to act on behalf of **BENITEC AUSTRALIA LIMITED.**

I, WARREN HOEY, have authority to act on behalf of **STATE OF QUEENSLAND THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES.**

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

BENITEC AUSTRALIA LIMITED
an Australian corporation

Dated: 17th June '03, 2003



Name: John A. McKinley
Title: Executive Chairman and CEO
Address: P.O. BOX 4193
St. Lucia South, QLD 4067 AUSTRALIA

**STATE OF QUEENSLAND THROUGH ITS
DEPARTMENT OF PRIMARY INDUSTRIES**

Dated: _____, 2003

Name: Warren Hoey
Title: Director General
Address: 80 Ann Street
Primary Industries Building
Brisbane, Queensland AUSTRALIA 4067



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PATENT

Docket No. 546322000300

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CHRISTINE JUMOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne Graham and Robert
Norman Rice

U.S. Patent No: 6,573,099

Filing Date: June 19, 1998

Issue Date: June 3, 2003

For: GENETIC CONSTRUCTS FOR
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EXPRESSION OF A TARGET GENE

Primary Examiner: S. Priebe

ALLOWED

**PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.324(b)(3) -
CONSENT OF ASSIGNEE**

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

BENITEC AUSTRALIA LIMITED and the **STATE OF QUEENSLAND**
THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES, the assignees of the entire
right, title and interest in this patent application, hereby agree to the addition of **ROBERT**
NORMAN RICE as an inventor in the above named application. These inventorship errors were
made without deceptive intent. Under the present circumstances it is clear that **MICHAEL**

WAYNE GRAHAM and ROBERT NORMAN RICE are the true inventors in present application.

I, JOHN A. MCKINLEY, have authority to act on behalf of **BENITEC AUSTRALIA LIMITED.**

I, WARREN HOEY, have authority to act on behalf of **STATE OF QUEENSLAND THROUGH ITS DEPARTMENT OF PRIMARY INDUSTRIES.**

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

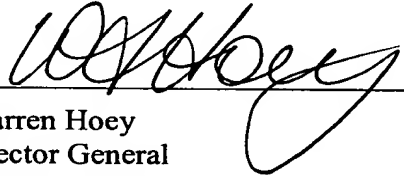
BENITEC AUSTRALIA LIMITED
an Australian corporation

Dated: _____, 2003 _____

Name: John A. McKinley
Title: Executive Chairman and CEO
Address: P.O. BOX 4193
St. Lucia South, QLD 4067 AUSTRALIA

**STATE OF QUEENSLAND THROUGH ITS
DEPARTMENT OF PRIMARY INDUSTRIES**

Dated: 25 June 2003, 2003 _____


Name: Warren Hoey
Title: Director General
Address: 80 Ann Street
Primary Industries Building
Brisbane, Queensland AUSTRALIA 4067



PATENT
Docket No. 546322000300

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne Graham and Robert
Norman Rice

U.S. Patent No. 6,573,099

Filing Date: June 19, 1998

Issue Date: June 3, 2003

For: GENETIC CONSTRUCTS FOR
DELAYING OR REPRESSING THE
EXPRESSION OF A TARGET GENE

Primary Examiner: S. Priebe

ALLOWED

**PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.324(b)(2) -
CONSENT OF INVENTOR**

MAIL STOP: PETITIONS

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

I, MICHAEL WAYNE GRAHAM, am an inventor of U.S. Patent No. 6,573,099 entitled "Genetic Constructs for Delaying or Repressing the Expression of a Target Gene," filed on June 19, 1998 and issued on June 3, 2003.

ROBERT NORMAN RICE was omitted as an inventor in this patent. Under the present circumstances, it is clear that MICHAEL WAYNE GRAHAM and ROBERT NORMAN RICE are the true inventors in the present U.S. Patent. I, MICHAEL WAYNE GRAHAM, agree to the change in inventorship.

are the true inventors in the present U.S. Patent. I, MICHAEL WAYNE GRAHAM, agree to the change in inventorship.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

20/6/03
Date



MICHAEL WAYNE GRAHAM



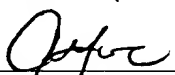
PATENT
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Michael Wayne Graham and Robert
Norman Rice

U.S. Patent No. 6,573,099

Filing Date: June 19, 1998

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EXPRESSION OF A TARGET GENE

Primary Examiner: S. Priebe

ALLOWED

**PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.324(b)(1) -
CONSENT OF INVENTOR**

MAIL STOP: PETITIONS

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

I, ROBERT NORMAN RICE, am an inventor of U.S. Patent No. 6,573,099 entitled "Genetic Constructs for Delaying or Repressing the Expression of a Target Gene," filed on June 19, 1998 and issued on June 3, 2003.

I was omitted as an inventor in the original application. Under the present circumstances, it is clear that MICHAEL WAYNE GRAHAM and ROBERT NORMAN RICE are the true inventors in the present U.S. Patent. The inventorship error occurred without any deceptive intention on my part.

inventors in the present U.S. Patent. The inventorship error occurred without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

17/6/03.
Date

Robert Norman Rice

ROBERT NORMAN RICE